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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,557	10/31/2003	Theodore Rappaport	02560032BA (WV00032DC1)	8407
66651 7590 02/12/2009 INGRASSIA FISHER & LORENZ, P.C. (MOT) 7010 E. Cochise Road SCOTTSDALE, AZ 85253			EXAMINER SAXENA, AKASH	
			ART UNIT 2128	PAPER NUMBER
			NOTIFICATION DATE 02/12/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ifllaw.com

Office Action Summary	Application No. 10/697,557	Applicant(s) RAPPAPORT ET AL.	
	Examiner AKASH SAXENA	Art Unit 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/05/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim(s) 56-77 has/have been presented for examination based on amendment filed on 15th May 2008.
2. Claim(s) 1-17, 32-55 are cancelled.
3. Claim(s) 56, 58-71 and 73-77 are rejected under 35 U.S.C. 102(b) in view of SitePlanner User manual.
4. Claim(s) 57 & 72 remain rejected under 35 USC § 103.
5. The arguments submitted by the applicant have been fully considered. Claims 56-77 remain rejected and this action is made **NON-FINAL**. The examiner's response is as follows.

Remarks for Claim Rejections - 35 USC § 101

6. Examiner withdraws the rejection in view of applicant's cancellation of the claims 13-17.

Remarks for Claim Rejections - 35 USC § 112

7. Examiner withdraws the previous rejections to the claims under this statute in view of applicant's cancellation of claims 1-17, 32-55 and providing the support for claims 56-77.

Argument for Claim Rejections - 35 USC § 102/103

8. Examiner has updated the grounds of rejection with specific citation of the mapped limitation in view of applicant's arguments. Examiner requests applicant to specifically pointing out where in the specification each limitation is taught and then present arguments. Please see rejection below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-17, 32-55 and 56-77 are rejected under 35 U.S.C. 102(b) as being anticipated by "SitePlanner 3.16 for Windows 95/98/NT User's Manual" (SitePlanner hereafter)(Wireless Valley Communications, Inc. sic 1999).**

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Regarding Claim 56

SitePlanner teaches a method for analyzing a communications network having a plurality of components (SitePlanner: Section 2.1 – showing components and base station communication parameters), the method comprising: obtaining a site-specific computerized model of a physical environment associated with the communications network (SitePlanner: Section 4); obtaining information pertaining to each of the plurality of components that are used in said communications network from a parts list library (SitePlanner: Fig.5.29), wherein at least some of said information includes frequency-dependent characteristics of particular ones of the plurality of components (SitePlanner: Fig.5.29 antennas are frequency dependent); modeling performance characteristics of the communications network based upon the information and the

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site-specific computerized model (SitePlanner: Pg.113, 116, 143, 144), wherein the modeling comprises evaluating the particular components based upon the frequency- dependent characteristics obtained from the parts list library (SitePlanner: ~~Pg. 108 — performance of antennas~~) Pg.15 Antenna pattern files See Appendix Pg A1 and A2; Pg.16 Channel – frequency planning); and displaying the performance characteristics on a computer display (SitePlanner: Pg.108).

Regarding Claim 58

SitePlanner teaches generating a bill of materials in response to the modeling (SitePlanner: Section 5.5 Pg.128, 130, 133 at least).

Regarding Claim 59

SitePlanner teaches modeling electrical performance of the communications network (SitePlanner: Section 5.1 Pg.113 at least).

Regarding Claim 60

SitePlanner teaches determining a cost of said communications network (SitePlanner: 5.3.11 Pg.127-128).

Regarding Claim 61

SitePlanner teaches processing maintenance records of said communications network (SitePlanner: Pg.1 ¶2 at least).

Regarding Claim 62

SitePlanner teaches providing measurement of said communications network (SitePlanner: Pg.3 Lines 16-17 at least).

Regarding Claim 63

SitePlanner teaches visualizing within said site-specific computerized model of said physical environment a configuration of said communications network (SitePlanner: Pg.9, Section 6.5, Appendix A various appendix showing network components and Appendix B showing how to import a physical environment into SitePlanner).

Regarding Claim 64

SitePlanner teaches verifying proper interconnections between the components (SitePlanner: Section 6.4.2; Fig.5.12 on Pg.136 connection information).

Regarding Claim 65

SitePlanner teaches identifying errors in interconnections in said communications network having said one or more components (SitePlanner: Pg.3 ¶1 Section 1.4.1, Pg.11 Last Paragraph).

Regarding Claim 66

SitePlanner teaches displaying comprises displaying in real-time changes in the performance characteristics of the communications network on the display in response to a change in the operating frequency of the particular components (SitePlanner: Pg.113 Section 5.1 *Predictor* module allowing change to components through out the teaching of *Predictor* module; Also see Pg.3 *Predictor* module).

Regarding Claim 67

SitePlanner teaches displaying in real-time comprises displaying changes in coverage (SitePlanner: Pg.115 coverage prediction).

Regarding Claim 68

SitePlanner teaches frequency dependent characteristic of the particular component is an operating frequency within one of a plurality of frequency bands (SitePlanner: Pg.123 Section 5.3.6; Fig.5.4 & 5.22 with respective disclosures).

Regarding Claim 69

SitePlanner teaches frequency dependent characteristic of the particular component is an operating frequency within one of a plurality of frequency bands (SitePlanner: Pg.123 Section 5.3.6; Fig.5.4 & 5.22 with respective disclosures).

Regarding Claim 70

SitePlanner teaches plurality of frequency bands correspond to a plurality of wireless standards (SitePlanner: Pg.1 ¶2, Fig.5.22).

Regarding Claim 71

SitePlanner teaches system (SitePlanner: Section 1.2) for analyzing a communications network (SitePlanner: Pg.1) having a plurality of components (SitePlanner: Pg.15 BOM), the system comprising: an electronic storage configured to store a parts list library (SitePlanner: Section 1.2) comprising information pertaining to each of the plurality of components (SitePlanner: Section 2.1.1), wherein at least some of said information includes frequency-dependent characteristics of particular components of said plurality of components (SitePlanner: Appendix A antenna features like manufacturer of antenna are frequency dependent); a processor (SitePlanner: Section 1.2) configured to model performance characteristics of the communications network based upon a site-specific model (SitePlanner: Section 4) of a physical environment associated with the

communications network and upon information obtained from the parts list library (SitePlanner: Fig.5.29), including the frequency-dependent characteristics for the particular components of the communications network (SitePlanner: Fig.5.12 showing antenna information; Appendix A1 showing Gain of an antenna which is known as frequency dependent); and a display in communication with the processor that is configured to display the performance characteristics (SitePlanner: Section 1.2).

Regarding Claim 73

Claim 73 discloses similar limitations as claim 66 and is rejected likewise.

Regarding Claim 74

Claim 74 discloses similar limitations as claim 67 and is rejected likewise.

Regarding Claim 75

Claim 75 discloses similar limitations as claim 68 and is rejected likewise.

Regarding Claim 76

Claim 76 discloses similar limitations as claim 68 and is rejected likewise.

Regarding Claim 77

Claim 77 discloses similar limitations as claim 70 and is rejected likewise.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 57 & 72 are rejected under 35 U.S.C. 103(a) as being unpatentable

SitePlanner in view of EE times article “Cadence offers XML-based PCB library tool” by Michael Santarini published 4/24/2000 (Santarini hereafter).

Regarding Claim 57 & 72

Teachings of SitePlanner are shown in the parent claim 56.

SitePlanner teaches component files in ASCII format (See Appendix A1-A3) and does not explicitly teach components in standard markup language.

Santarini teaches library components in XML format (Santarini: Pg.1 ¶4).

It would have been obvious to one (e.g. a designer) of ordinary skill in the art at the time the invention was made to apply the teachings of Santarini to SitePlanner to have the application web enabled and portable (Santarini: Pg.1 ¶5) having a consistent data source with various EDA application (Santarini: Pg.2). Further XML format is structures and can maintain the hierarchy as detailed in SitePlanner (Pg.13 Fig.2.1 and Appendix A1-A3), making design more versatile than parsing ASCII files component library.

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Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKASH SAXENA whose telephone number is (571)272-8351. The examiner can normally be reached on 8:00- 6:00 PM Mon-Thu. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini S. Shah can be reached on (571)272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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